



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2207741

**Applicant Name:** Bruce Helm, Olsen Real Estate LLC

**Address of Proposal:** 5400 22<sup>nd</sup> Ave NW (The Sunset Hotel)

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a one-story 8,600 sq. ft. building containing retail sales and service uses. Project does not include parking. Project includes demolition of one existing structure.

The following approvals are required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code  
Certificate of Approval – Ballard Avenue Landmark District Board (SMC 23.66)

**Special Exception** – Chapter 23.54.020, Seattle Municipal Code – To allow parking reduction.

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
   ☐ DNS with conditions  
   ☒ DNS involving non-exempt grading, or demolition, or  
   another agency with jurisdiction.

**BACKGROUND DATA**

**Vicinity Description**

The proposal is located on the east side of 22<sup>nd</sup> Ave NW, between the intersections of NW Market Street and Ballard Ave NW. The lot is located within the Ballard Avenue Landmark District. The immediate area is marked by structures typical of the Landmark District with extensive use of brick, fenestration, storefront windows at the ground floor, strong cornice lines and other similar features. The site is located immediately to the south of Bergen Place Park in the downtown Ballard neighborhood.

### Site Description

The subject site is approximately 6,636 square feet. The majority of the subject property is zoned Neighborhood Commercial 2 with a 65-foot height limit, with a sliver of Commercial 2 zoning with a 65-foot height limit along the eastern edge of the site. The relatively flat site currently contains a historic building which was severely damaged by fire in April of 2000 and then suffered further damage in the Nisqually earthquake in 2001. A Hazard Correction Notice was issued by the City for the removal of the hazardous structure.

### Proposal

A single story 8,602 sq. ft. commercial building is proposed to be constructed on this site and the existing structure will be demolished on this site as a result of the proposed development. The use being established for the proposed building is retail sales and service. The project does not provide parking on or off site and has requested a waiver from the parking requirements. The project includes the demolition of one existing structure within a landmark district; therefore the design was subject to review and approval by the Ballard Avenue Landmark District Board.

### Public Comments

Notice of the project was published on January 30, 2003. The required public comment period ended on February 12, 2003. No comment letters were received. Additional notice concerning the review of the project also occurred through the Ballard Avenue Landmark District Board for meetings held on October 15, 2002, November 15, 2002, January 16, 2003, February 25, 2003 and June 12, 2003.

### **ANALYSIS – SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 10, 2003 and revised March 13, 2003. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; conflicts with normal pedestrian and vehicular

movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794). Although not significant, these impacts are adverse, and in some cases, mitigation is warranted. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts:

- The applicant estimates approximately 50 cubic yards of demolished or excavated materials to be exported and disposed of off-site. Excess material to be disposed of must be deposited in an approved site.
- The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction.
- The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way.
- Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general.
- Finally, the Noise Ordinance regulates the time and level of construction noise that is permitted in the city.

Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, due to the fact that a large amount of demolition and building activity will be undertaken in association with the proposed project, additional analysis of air quality, noise, grading and traffic impacts is warranted and summarized below:

Environmental Element	Discussion of Impact
1. Air Quality	<ul style="list-style-type: none"><li>• Increased dust and particulate matter due to demolition and construction activities and hauling of waste materials.</li></ul>
3. Noise	<ul style="list-style-type: none"><li>• Increased noise levels as a result of construction activities.</li></ul>
4. Drainage/Earth	<ul style="list-style-type: none"><li>• 50 cubic yards of demolished/excavated materials.</li></ul>
5. Traffic	<ul style="list-style-type: none"><li>• An increase in vehicular traffic adjacent to the site due to construction vehicles.</li></ul>

### Air Quality

With respect to air and environmental health impacts, concern is raised by demolition of existing commercial structures, in particular potential for presence of asbestos materials that could be released to the air/environment during demolition. A Certificate of Completion by American Environmental Construction LLC (dated December 10, 2002) was submitted to DCLU certifying that all asbestos containing materials were removed from the existing structure. Therefore, no additional mitigation is warranted.

### Noise

Noise impacts will result during the demolition activities associated with this project. Furthermore, there will be extensive excavation required to prepare the building site and foundation. Additionally, as development proceeds, noise associated with construction of the building could adversely affect the surrounding uses. In the immediate area are several commercial structures containing both commercial and residential uses. Due to the proximity of

these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B), mitigation is warranted. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

#### Drainage and Earth

Soil disturbing activities during demolition and site excavation for foundation purposes could result in erosion and transport of sediment. The Stormwater, Grading and Drainage Control Code provides for extensive review and conditioning of the project prior to issuance of building permits. Therefore, no further conditioning is warranted pursuant to SEPA policies.

The construction plans, including shoring of excavations as needed and erosion control techniques will be reviewed by DCLU. Any additional information required showing conformance with applicable ordinances and codes will be required prior to issuance of building permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Demolition/Construction: Traffic

The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allow the reviewing agency to mitigate impacts associated with construction activities. Construction activities are expected to affect the surrounding area. Impacts to traffic and roads are expected from truck trips during demolition and construction activities. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675B) allows the reviewing agency to mitigate impacts associated with transportation during construction. The demolition and construction activities will require the removal of material from the site and can be expected to generate truck trips to and from the site. In addition, delivery of concrete and other materials to the site will generate truck trips. As a result of these truck trips, an adverse impact to existing traffic will be introduced to the surrounding street system, which is unmitigated by existing codes and regulations.

It is expected that most of the demolished materials will be removed from the site prior to construction. During demolition a single-loaded truck will hold approximately 10 cubic yards of material. This would require approximately five single-loaded truckloads to remove the estimated 10 cubic yards of material. Existing City code (SMC 11.62) requires truck activities to use arterial streets to the greatest extent possible. Pursuant to SMC 25.05.675(B) (Construction Impacts Policy) and SMC 25.05.675(R) (Traffic and Transportation), no additional mitigation is warranted.

For the removal and disposal of the spoil materials, the Code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of “freeboard” (area from level of material to the top of the truck container) be provided in loaded uncovered trucks, which minimizes the amount of spilled material and dust from the truck bed en route to or from a site.

The Street Use Ordinance requires sweeping or watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. This ordinance provides adequate mitigation for transportation impacts; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control, the City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. A Certificate of Approval from the Ballard Avenue Landmark District Board is required, which includes code provisions to address materials, bulk and scale and other features of the built environment. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts that are not considered significant.

### Historic and Cultural Preservation

The project is within the Ballard Avenue Landmark District. Accordingly, the project was referred to the Historic Preservation Officer for review and possible conditioning. This review is required under SEPA Policies in SMC 25.05.675H2d. For this review, plans, elevations, renderings, and information on materials were supplied. As part of the review, the Landmarks Coordinator recommended the following design solutions be incorporated in the project to address its prominent location within the Ballard Avenue Landmark District:

- Inclusion of exterior steel-frame marquees in three locations along 22<sup>nd</sup> Avenue;
- Painted wood trim, sign band, bulkhead panels and exterior door (dark grey);
- Use of exterior brick veneer with corbelling and soldier courses (variegated red colors);
- Inclusion of five black exterior light fixtures;
- Incorporation of outdoor dumpster enclosure with steel mesh gate;
- Preservation existing street tree and installation of four additional (Red Maple) trees;
- Inclusion of tile insets along the tops of the walls; and
- Installation of steel weld plates for future tenant signage.

The Board was very interested in a design which offered a strong street presence and helped to define the street edge as the Sunset Hotel once provided 22<sup>nd</sup> Avenue. The Board also encouraged the use of brick as a reference to the predominant brick materials of the original

Sunset Hotel. While the proposal is for a much smaller building than the Sunset Hotel, the design includes strong parapet elements to give the appearance of a larger building. The proposed exterior materials include brick veneer and brick detailing, along with tile insets and transparent glazing. The fenestration includes a band of ribbon windows which extends above the first story and increase in height as the topography changes.

The configuration and footprint of the proposed building is essentially the same as that of the Sunset Hotel given the awkwardly shaped site. An entrance will continue to be located on the north façade, facing Bergen Place. The Board supported the proposed site plan and agreed that the details and fenestration of the facades will provide a building which interacts with and blends in with the pedestrian and historic characters of this neighborhood. To ensure that the Board's conditions are satisfied, this analysis shall incorporate by reference all of the design conditions approved by the Ballard Avenue Landmarks District.

1. All of the conditions listed in the Certificate of Approval letters (dated March 4, 2003, March 6, 2003 and June 17, 2003) issued by the Ballard Avenue Landmark District Board shall be clearly shown on the plans.

#### **ANAYLISIS - SPECIAL EXCEPTION**

The existing site does not include any on or off site parking spaces. The proposed structure containing retail sales and service uses has a code requirement for 17 parking spaces. SMC 23.54.020.F2a allows for a 20% transit reduction for developments within 800 feet of transit routes offering at least 15 minute intervals. The location of the proposed development satisfies these provisions thereby decreasing the required parking to 14 spaces. The proposed design does not provide any on or off site parking spaces. The Code states under SMC 23.54.020.C that the Director may reduce or waive the minimum accessory off-street parking requirements for a use in a Landmark district which is located in a commercial zone, as a special exception pursuant to Chapter 23.76. All requests for such waiver are evaluated using the following criteria:

1. In making any such reduction or waiver, the Director shall assess area parking needs. The Director may require a survey of on-and off-street parking availability. The Director may take into account the level of transit service in the immediate area; the probably relative importance of walk-in traffic; proposals by the applicant to encourage carpooling or transit use by employees; hours of operation; and any other factor or factors considered relevant in determining parking impact.
2. The Director may also consider the types and scale of uses proposed or practical in the Landmark structure, and the controls imposed by the Landmark designation.
3. For conversion of structures to residential use, the Director shall also determine that there is no feasible way to meet parking requirements on the lot.

Based on information provided by the applicant and review by the assigned land use planner, the following findings are made with respect to the above cited criteria:

- a. It is estimated that the proposed 8,602 square feet of retail commercial space will have a peak parking demand of 16 vehicles occurring at approximately 1:00 p.m. The existing structure was larger and contained both commercial (6,129 square feet) and residential

(12,258) uses. Given that the peak parking demand for the original structure was approximately 52 spaces at 8 p.m., it is very likely that the anticipated parking impacts associated with the proposed uses will decrease from the parking demand experienced when the existing building was in full occupancy. Furthermore, the site is well-served by public transit with six bus routes within close proximity to the site. This neighborhood maintains a strong pedestrian character and high levels of pedestrian activity.

- b. Review of the proposed development by the Ballard Avenue Landmark District Board included the Board's support for a parking waiver in an effort to preserve the pedestrian nature of the District. Most of the structures within this district do not include parking accommodations and the street level businesses cater to pedestrian traffic.
- c. This third analysis does not apply to the proposed development.

#### **DECISION- SPECIAL EXCEPTION**

The Special Exception to waive the required number of parking spaces is granted.

#### **CONDITIONS – SPECIAL EXCEPTION**

None.

#### **DECISION - SEPA**

The application is **CONDITIONALLY GRANTED.**

#### **CONDITIONS – SEPA**

##### **Prior to Building Permit Issuance and for the life of the Project**

- 1. All of the conditions listed in the Certificate of Approval letters (dated March 4, 2003, March 6, 2003 and June 17, 2003) issued by the Ballard Avenue Landmark District Board shall be clearly shown on the plans.

Signature: \_\_\_\_\_ (signature on file) Date: September 25, 2003  
Lisa Rutzick, Land Use Planner  
Land Use Division, Regulating Land Use Section